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6 **UNITED STATES DISTRICT COURT**  
7 **DISTRICT OF NEVADA**  
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9 STEVEN FLOYD VOSS,

10 Petitioner,

11 vs.

12 ISIDRO BACA, et al.,

13 Respondents.  
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Case No. 3:15-cv-00183-HDM-VPC

**ORDER**

15 Petitioner, who is in the custody of the Nevada Department of Corrections, has submitted an  
16 application to proceed in forma pauperis (#1) and a petition for a writ of habeas corpus. The  
17 application (#1) is moot because petitioner has paid the filing fee.

18 Petitioner used a form for a petition pursuant to 28 U.S.C. § 2241, which is the wrong form.  
19 Petitioner is in custody pursuant to a judgment of conviction of a state court, and he is challenging  
20 the validity of that custody. Petitioner's sole federal remedy is a writ of habeas corpus, Preiser v.  
21 Rodriguez, 411 U.S. 475, 500 (1973), and the governing statute is 28 U.S.C. § 2254. The petition  
22 lacks all the information that the court needs. Petitioner will need to file an amended petition on the  
23 correct form.

24 IT IS THEREFORE ORDERED that the application to proceed in forma pauperis (#1) is  
25 **DENIED** as moot.

26 IT IS FURTHER ORDERED that the clerk of the court file the petition for a writ of habeas  
27 corpus.  
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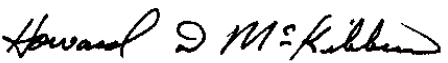
1 IT IS FURTHER ORDERED that the clerk of the court shall send petitioner a petition for a  
2 writ of habeas corpus pursuant to 28 U.S.C. § 2254 form with instructions. Petitioner shall have  
3 thirty (30) days from the date that this order is entered in which to file an amended petition to  
4 correct the noted deficiencies. Neither the foregoing deadline nor any extension thereof signifies or  
5 will signify any implied finding of a basis for tolling during the time period established. Petitioner  
6 at all times remains responsible for calculating the running of the federal limitation period under 28  
7 U.S.C. § 2244(d)(1) and timely asserting claims. Failure to comply with this order will result in the  
8 dismissal of this action.

9 IT IS FURTHER ORDERED that petitioner shall clearly title the amended petition as such  
10 by placing the word "AMENDED" immediately above "Petition for a Writ of Habeas Corpus  
11 Pursuant to 28 U.S.C. § 2254" on page 1 in the caption, and petitioner shall place the case number,  
12 3:15-cv-00183-HDM-VPC, above the word "AMENDED."

13 IT IS FURTHER ORDERED that the clerk shall add Adam Laxalt, Attorney General for the  
14 State of Nevada, as counsel for respondents.

15 IT IS FURTHER ORDERED that the clerk shall electronically serve upon respondents a  
16 copy of the petition and this order. Respondents' counsel shall enter a notice of appearance herein  
17 within twenty (20) days of entry of this order, but no further response shall be required from  
18 respondents until further order of the court.

19 DATED: June 19, 2015.

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23 HOWARD D. MCKIBBEN  
24 United States District Judge  
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